

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Form CAND 133 (Rev. 10/2021)		BILL OF COSTS <i>Please follow the instructions on page 3 when completing this form.</i>		COURT USE ONLY OBJECTION DEADLINE: 2/27/2025 OBJECTION FILED: YES <input checked="" type="checkbox"/> No <input type="checkbox"/>	
1. CASE NAME Surgical Instrument Service Company, Inc., v. Intuitive Surgical, Inc.		2. CASE NUMBER 3:21-cv-03496-AMO	3. DATE JUDGMENT ENTERED 1/30/2025	4. PARTY AGAINST WHOM JUDGMENT WAS ENTERED Surgical Instrument Service Company, Inc.	
5. NAME OF CLAIMING PARTY Intuitive Surgical, Inc.		6. NAME OF ATTORNEY FOR CLAIMING PARTY (or indicate "PRO SE") Kenneth A. Gallo		7. PHONE AND EMAIL OF CLAIMING PARTY, IF PRO SE	
8. REQUEST TO TAX THE FOLLOWING AS COSTS: (SHADED AREAS ARE FOR COURT USE ONLY)					
COST ITEM	AMOUNT CLAIMED	LIST SUPPORTING DOCUMENTATION	<i>Amt Allowed</i>	<i>Disallowed</i>	<i>Disallowance Reason</i>
a. FEES OF THE CLERK AND FOR SERVICE OF PROCESS					
Filing Fees and Docket Fees, Civil LR 54-3(a)(1), 18 U.S.C. 1923	–				
Service of Process, Civil LR 54-3(a)(2)	–				
b. REPORTERS' TRANSCRIPTS					
Transcripts for appeal, Civil LR 54-3(b)(1)	\$14,621.58	Ex. 1 to the Brachman Declaration (invoice from Ruth Levine Ekhaus, RMR, RDR, FCRR, CCG, CSR, Official Court Reporter)	\$11,348.58	\$3,273.00	D.
Rulings from the bench, Civil LR 54-3(b)(2)	–				
Other transcripts (by order or stipulation), Civil LR 54-3(b)(3)	–				
c. DEPOSITIONS					
Deposition transcript/video recording, Civil LR 54-3(c)(1)	\$200,311.20	Ex. 2 to the Brachman Declaration (invoices from Veritext Legal Solutions and TSG Reporting Inc.) Ex. 3 to the Brachman Declaration (Dkt. 95 (September 14, 2022 Joint Stipulation and Order Regarding Deposition Protocol)) Ex. 4 to the Brachman Declaration (Dkt. 278-3 (October 28, 2024 Joint Proposed Final Pretrial Order, Appendix E, Parties' Witness Lists))	\$143,129.11	\$57,182.09	D.
Deposition exhibits, Civil LR 54-3(c)(3)	\$6,921.35	Ex. 2 to the Brachman Declaration (invoices from Veritext Legal Solutions and TSG Reporting Inc.) Ex. 3 to the Brachman Declaration (Dkt. 95 (September 14, 2022 Joint Stipulation and Order Regarding Deposition Protocol)) Ex. 4 to the Brachman Declaration (Dkt. 278-	\$0.00	\$6,921.35	D.

		3 (October 28, 2024 Joint Proposed Final Pretrial Order, Appendix E, Parties' Witness Lists))			
Notary & reporter attendance fees, Civil LR 54-3(c)(4),(5)	–				
d. REPRODUCTION, EXEMPLIFICATION					
Government records, Civil LR 54-3(d)(1)	–				
Disclosure/formal discovery documents, Civil LR 54-3(d)(2)	\$38,665.00	Ex. 5 to the Brachman Declaration (Dkt. 86 (April 4, 2022 Stipulated ESI Order)) Ex. 6 to the Brachman Declaration (October 8, 2019 Agreed Protocol For Production of Hard-Copy Documents and Electronically Stored Information, Dkt. 35 in <i>Restore Robotics LLC v. Intuitive Surgical, Inc.</i> , No. 5:19-cv-55-TKW-MJF (N.D. Fla.)) Ex. 7 to the Brachman Declaration (February 24, 2021 Agreed Protocol for Production of Hard-Copy Documents and Electronically Stored Information in <i>Rebotix Repair LLC v. Intuitive Surgical, Inc.</i> , No. 8:20-cv-02274-VMC-TGW (M.D. Fla.)) Ex. 8 to the Brachman Declaration (billing entries from Consilio LLC (formerly, Legility LLC))	\$38,665.00		
Trial exhibits, Civil LR 54-3(d)(4)	\$10,905.95	Ex. 9 to the Brachman Declaration (Dkt. 235 (June 11, 2024 Schedule and Pretrial Order)) Ex. 10 to the Brachman Declaration (invoice from Paul, Weiss, Rifkind, Wharton & Garrison LLP)	\$10,905.95		
Visual aids, Civil LR 54(d)(5)	\$248,868.25	Ex. 11 to the Brachman Declaration (invoices from Impact Trial Consulting LLC) Ex. 12 to the Brachman Declaration (invoices from Fulcrum Legal Graphics)	\$211,261.25	\$37,607.00	D.
e. WITNESS FEES AND EXPENSES					
Total from itemized Witness Fees worksheet,* Civil LR 54(e)	\$4,645.24	Exs. 13-16 to the Brachman Declaration (invoices from the Hyatt Regency, San Francisco, Downtown SOMA) Ex. 17 to the Brachman Declaration (invoices from United Airlines)	\$4,645.24		
f. COURT-APPOINTED PROFESSIONALS, INTERPRETERS					
Fees for special masters & receivers, Civil LR 54-3(f)	–				
Court-appointed experts, 28 USC § 1920(6)	–				

Interpreters and special interpretation services, 28 USC §§ 1828, 1920(6)	-				
g. MISCELLANEOUS COSTS					
Costs on appeal, Civil LR 54-3(g) & FRAP 39	-				
Costs of bonds and security, Civil LR 54-3(h)	-				
TOTAL AMOUNT	\$524,938.57		\$ 419,955.13	\$ 104,983.44	

9. ADDITIONAL COMMENTS, NOTES, ETC:

10. **AFFIDAVIT PURSUANT TO 28 USC § 1924:** I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

Name of Attorney/Claiming Party: Kenneth A. Gallo

SIGNATURE: /s/ Kenneth A. Gallo

DATE: 02/13/2025

11. Costs are taxed in the amount of \$419,955.13 and included in the judgment.

Mark B. Busby
Clerk of Court

BY: Alexis Solorzano Rodriguez

Deputy Clerk

DATE: October 7, 2025

*WITNESS FEES/EXPENSES COMPUTATION WORKSHEET FOR ITEM 8.e OF REQUEST TO TAX COSTS (28 USC 1821)							
WITNESS NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		TRAVEL/MILEAGE		TOTAL COST Per Witness
	# Days	\$ Cost	# Days	\$ Cost	Travel Cost or # Miles POV	\$ Cost	
David Rosa, San Jose, California	4	\$160	4	\$936.85	--	--	\$1,096.85
Myriam Curet, Los Altos Hills, California	4	\$160	4	\$1,036.00	--	--	\$1,196.00
Maxwell Meng, San Francisco, California	1	\$40	--	--	--	--	\$40
Grant Duque, Campbell, California	2	\$80	2	\$493.21	--	--	\$573.21
Loren Smith, Lititz, Pennsylvania	4	\$160	4	\$468.43	\$1,110.75	\$1,110.75	\$1,739.18
TOTAL WITNESS FEES/EXPENSES							\$4,645.24

CAND 133
(Rev. 10/2021)**INSTRUCTIONS****GENERAL INSTRUCTIONS**

Use this form CAND 133 in the Northern District of California in lieu of AO 133 when seeking to tax costs under Fed. R. Civ. P. 54(d)(1) and Civil L.R. 54. For applicable deadlines, see Civil L.R. 54.

- On the cost table (Item 8), in the column for “List Supporting Documentation,” specifically cross-reference the documentation you are submitting for that item (*example: Declaration of Jessica Smith, Ex 1 (invoice from ABC Graphics)*). Use as much space as necessary to identify supporting documentation.
- Attach to your bill an itemization and documentation for requested costs in all categories.
- Each stipulation or order in the case regarding the formats for discovery of documents and electronically stored information, or relating to any other cost item, should be attached to the bill and referenced as “supporting documentation” next to each item to which it relates.
- Enter the amounts claimed for each item in the “amount claimed” column; for witness fees/expenses (Item 8(e)), enter the total from the Witness Fees/Expenses Computation Worksheet on page 2. To automatically calculate the total amount after entering all cost items, highlight the dollar amount on the last line of the AMOUNT CLAIMED column, and (i) right-click and select Update Field, or (ii) press F9. The total amount can also be entered manually.
- Affidavit (Item 10) must be signed by attorney acting for the party claiming costs.

FILING INSTRUCTIONS

- Completed cost bill must be submitted to court in two ways: (1) pages 1-2 must be saved as a PDF and e-filed in the case docket via the Court’s Case Management| Electronic Case Filing (“CM| ECF”) system along with all supporting documentation; and (2) a copy of the Word document (.doc or .docx) must be submitted by email to costbills@cand.uscourts.gov. A chambers copy must also be submitted pursuant to Civil L.R. 5-1(e)(7).
- If this bill of costs is not electronically served, a certificate of service must be filed pursuant to Civil L.R. 5-5.

WITNESS FEES/EXPENSES COMPUTATION WORKSHEET: INSTRUCTIONS

- Travel in a privately owned vehicle (“POV”) is computed at federal government rates in the year of travel. Visit gsa.gov for current POV mileage reimbursement rate.
- For mileage claims, distances should be documented (through Google maps or similar); point of trip origin should be documented, if different from place of residence.
- Subsistence expenses (including lodging and meals) for overnight stay (if required due to distance) are allowed but may not exceed maximum per diem allowance for federal government employees. [View gsa.gov lodging per diem rates](#). [View gsa.gov meals and incidental expenses per diem rates](#).
- If there are more than 5 witnesses, additional lines may be added to the Worksheet and the total amount of Witness Fees/Expenses must be entered manually.

REPRODUCTION & EXEMPLIFICATION: GUIDANCE RE: ELECTRONIC DISCOVERY

- While there may be special circumstances in individual cases, the following kinds of document production costs are generally considered taxable unless a stipulation or order in the case provides otherwise:

Auto feed scanning of hard copy documents	Document coding	Image endorsing (electronic labeling or numbering)
Bates stamp	ED deliverables	Load file creation
Blowback scanning of paper documents	Electronic label/Bates numbering	Metadata extraction
Conversion of native files to different format for production	External hard drive used for production; copying files to storage media for production	OCR (optical character recognition)
Data archive	Heavy litigation scanning	Slip sheets
		TIFF conversion

REASON CODES FOR CLERK’S DISALLOWANCE OF CLAIMED COSTS

- “A” — No supporting documentation provided.
- “B” — Supporting documentation does not support full amount claimed.
- “C” — Disallowed as excessive expense (28 USC §1821(c)(1))
- “D” — Disallowed as unrecoverable under 28 USC §1920.
- “E” — Disallowed amount is outside the ambit of Civil Local Rule 54-3.